

United States District Court
 for the
Eastern District of Missouri

United States of America
 v.

Andrew Evans

Case No: 4:04CR581

USM No: 31384-044

Date of Previous Judgment: 6/16/05
 (Use Date of Last Amended Judgment if Applicable)

N. Scott Rosenblum

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the Term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): _____

III. ADDITIONAL COMMENTS

The defendant's sentence is determined by the quantity of heroin, not simply cocaine base. Moreover, the defendant received two sentence reductions, first pursuant to Section 5K1.1 of the Sentencing Guidelines and 18 USC Section 3553(e), and second, pursuant to Rule 35 of the Federal Rules of Civil Procedure.

Except as provided above, all provisions of the judgment dated 11/12/04 shall remain in effect.

IT IS SO ORDERED

Order Date: 08/26/2008

Jean C. Hamilton
 Judge's Signature

Effective Date: _____
 (if different from order date)

Jean C. Hamilton, US District Judge
 Printed Name and title